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Cesar Morales, Ernest Morrison, Debra Cordes,
Denis O'Leary, Veronica Robles-Solis, and
Monica Madrigal Lopez

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

J.R., a minor, by and through her
guardian ad litem, Janelle McCammack;
M.B., a minor, by and through her
guardian ad litem, F.B.; I.G., a minor, by
and through his guardian ad litem, M.E.,
on behalf of themselves and all those
similarly situated,

Plaintiffs [Appellants],
v.

OXNARD SCHOOL DISTRICT;
CESAR MORALES, Superintendent of
Oxnard School District, in his official
capacity; ERNEST MORRISON,
President of the Board of Trustees, in his
official capacity; DEBRA CORDES,
Clerk of the Board of Trustees, in her
official capacity; DENIS O'LEARY,
Trustee of the Board of Trustees, in his
official capacity; VERONICA ROBLES-
SOLIS, Trustee of the Board of Trustees,
in her official capacity; MONICA
MADRIGAL LOPEZ, Trustee of the
Board of Trustees, in her official
capacity; and DOES 1 TO 10, inclusive

Defendants [Respondents].

Case No.: 2:17-cv-04304-JAK-FFM

**RESPONDENTS' SUPPLEMENT
TO THE ADMINISTRATIVE
RECORD IN SUPPORT OF
RESPONDENTS' BRIEF TO THE
APPEAL OF M.B.;
DECLARATION OF LAWRENCE
JOE**

Date: February 4, 2018
Time: 8:30 a.m.
Court: 10B

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD,
2 please take notice that in connection with the briefing regarding the individual appeal
3 for M.B., Defendants Oxnard School District (“the District”) Cesar Morales, Ernest
4 Morrison, Debra Cordes, Denis O’Leary, Veronica Robles-Solis, and Monica Madrigal
5 Lopez hereby submit true and correct copies of additional documents, pursuant to the
6 parties’ stipulation regarding supplementing the record.
7

8 Dated: December 17, 2018

Respectfully Submitted,

9 GARCIA HERNÁNDEZ SAWHNEY, LLP

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11 By: 

12 Norma Nava Franklin, Esq.
13 Albert A. Erkel Jr., Esq.
14 Janet Ly, Esq.
15 Attorneys for Defendants,
16 OXNARD SCHOOL DISTRICT et al.
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DECLARATION OF LAWRENCE JOE

I, Lawrence Joe, declare as follows:

1. I am an attorney authorized to practice before this Court. I am an attorney at the law firm Garcia Hernandez Sawhney, LLP, attorneys of record in this matter for Defendants Oxnard School District (“OSD” or the “District”), Cesar Morales, Ernest Morrison, Debra Cordes, Denis O’Leary, Veronica Robles-Solis, and Monica Madrigal Lopez (collectively, “Defendants/Respondents”). I have personal knowledge of the facts set forth herein and, if called upon as a witness, I could and would testify competently thereto under oath.

2. I submit this Declaration in support of Respondents’ Brief to the appeal from the OAH Decision in the matter of *M.B. v. Oxnard School District* (OAH Case No. 2016100009), issued on May 25, 2017.

3. I represented the District in the above-identified administrative proceeding. I am also responsible for assisting the District with its monitoring and compliance benchmarks for remedies awarded to M.B. by the underlying administrative Order. Through the course and scope of my representation, I have received documents, including student records and Individualized Education Plans for Student, as specified below.

4. Pursuant to the Administrative Law Judge’s Decision in OAH Case No. 2016100009, the District funded an independent educational evaluation (IEE) by Ms. Karen Schnee, a licensed educational therapist of Parent’s choosing.

5. The District also funded an IEE for autism conducted by Dr. BJ Freeman.

6. The District held an IEP meeting on January 23, 2018 to review the IEE reports by Ms. Schnee and Dr. Freeman. After much discussion, the IEP team agreed that M.B. met the special education eligibility criteria for Autism (primary) and Other Health Impairment (secondary).

7. During the January 23, 2018 IEP meeting, the IEP team also discussed the recommendations by Ms. Schnee that M.B. receive direct interventions by Fast ForWord,

1 an intensive, research-validated software for 30 minutes daily, five days per week for 6-8
2 months (depending upon the student's speed of progress and adherence to daily usage);
3 Lindamood-Bell for 4 hours daily five days per week, including summer instruction for
4 700 total hours; and direct educational therapy one hour daily, five days per week in the
5 area of writing. The IEP team agreed to research the Fast ForWord program and to refer
6 M.B. for an assessment by Lindamood-Bell.

7 8. On February 5, 2018, Lindamoodbell conducted assessment for M.B. at
8 Lindamood-Bell's offices in Westlake Village, CA. Attached hereto as **Exhibit A** is a
9 true and correct copy of Lindamood-Bell's evaluation summary and recommendation.
10 According to Lindamood-Bell's recommendation, Lindamood-Bell recommended "an
11 initial period of exploratory instruction – four hours per day, five days per week – for up
12 to four weeks to note M.B.'s response to sensory-cognitive instruction to develop
13 language and literacy skills."

14 9. On February 12, 2018, the IEP team re-convened to discuss the assessment
15 results and recommendations by Lindamood-Bell. According to the meeting summary,
16 Ms. Nadia Villapudua, the Special Education Manager, "agreed with the post-test
17 assessment and to . . . meet and determine the effectiveness of the program as well as
18 [M.B.]'s response to the program." However, the IEP team noted that in order to provide
19 the program, the service would require a separate room. In addition, Lindamood-Bell
20 shared that it would be difficult to provide Lindamood-Bell staffing for M.B. at the
21 District. After considering several options at the IEP meeting, M.B.'s Parent initially
22 agreed that M.B. would attend the LMB Learning Center. However, her attorney
23 indicated that they needed to discuss this further. See January 23, 2018 IEP attached as
24 Dkt. 146-1, Declaration of Shawna Parks, Ex. B pg. 28.

25 10. On February 27, 2018, I sent an email to Student's attorney to inform the
26 family that the District was willing to offer Lindamood-Bell at the school site once
27 Lindamood-Bell was able to secure instructors for M.B. at the school. I also informed
28

1 Student's attorney that "[i]f Parent would like to begin the initial 30-day evaluation
2 period sooner, the District is willing to reimburse Parent for mileage at the IRS rate if
3 Parent is able to provide transportation to Lindamood-Bell's Westlake Center." Attached
4 hereto as **Exhibit B** is a true and correct copy of February 27, 2018 email that I sent to
5 Student's attorney regarding Lindamood-Bell.

6 11. On June 8, 2018, an Addendum IEP meeting was held to offer Lindamood-
7 Bell to M.B. during Extended School Year ("ESY") at Driffill Elementary School in the
8 Oxnard School District. Attached hereto as **Exhibit C** is a true and correct copy of June
9 8, 2018 Addendum IEP. As indicated in Parent's response to the Addendum IEP, M.B.
10 had a conflict for summer 2018 and was therefore not able to attend Lindamood-Bell
11 during ESY.

12 12. I declare under penalty of perjury under the laws of the State of California
13 that the foregoing is true and correct.

14 Executed on December 17, 2018, at Glendale, California.

15
16 
17 Lawrence Joe

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on December 17, 2018, I caused a true and correct copy of the foregoing **RESPONDENTS' SUPPLEMENT TO THE ADMINISTRATIVE RECORD IN SUPPORT OF RESPONDENTS' BRIEF TO THE APPEAL OF M.B.; DECLARATION OF LAWRENCE JOE** to be electronically filed with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to counsel for all parties.

Dated: December 17, 2018

By: /s/Norma Nava Franklin